

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Graham Edmund KELLY) Group Art Unit: 1616
)
Application No.: 09/986,509) Examiner: Edward J. Webman
)
Filed: November 9, 2001) Confirmation No. 5532
)
For: TREATMENT OR REDUCTION OF)
MENOPAUSAL SYMPTOMS)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Novogen, Inc., having its principal place of business at 1013 Center Road, Wilmington, Delaware, 19805, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/986,509, filed November 9, 2001, for TREATMENT OR REDUCTION OF MENOPAUSAL SYMPTOMS in the name of Graham Edmund Kelly, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012155, Frame 0650 on September 12, 2001, for priority Application No. 09/077,590, filed June 2, 1998 (now U.S. Patent No. 6,340,703), for TREATMENT OR PREVENTION OF OSTEOPOROSIS.

Novogen Research Pty Ltd., duly organized under the laws of Australia and having its principal place of business at 140 Wicks Road, North Ryde, New South Wales, Australia, represents that it is the assignee of the entire right, title and interest in and to U.S. Application No. 08/338,567, filed January 12, 1995 (now U.S. Patent No. 5,830,887), for HEALTH

SUPPLEMENTS CONTAINING PHYTO-OESTRGENS, ANALOGUES OR METABOLITES THEREOF, in the name of Graham Edmund Kelly.

Copies of the Assignment, Recordation Form Cover Sheet filed in Application No. 08/388,567, Petition for Entry of Late Assignment Papers and for Patent to Issue to Assignee under 37 C.F.R. § 3.81(b), and the letter confirming the grant of the petition are filed herewith. Evidentiary documents have been reviewed and, to the best of Assignee's knowledge and belief, title to U.S. Patent No. 5,830,887 is in the name of the Assignee, Novogen Research Pty Ltd.

To the best of the Assignee's knowledge and belief, Novogen, Inc. is a wholly owned U.S. subsidiary of Novogen Limited, an Australian corporation. Novogen Research Pty Ltd. is also and has always been a wholly owned subsidiary of Novogen Limited. Accordingly, common ownership according to the requirements of CFR § 1.321 is established.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 5,830,887. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent

jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is authorized to act on behalf of assignee Novogen, Inc.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Signed:



Dated:

29 MARCH 2007

Name:

RONALD LEA ERRATT

Title:

SECRETARY.

Assignee: Novogen, Inc.

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

GRAHAM EDMUND KELLY

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Novogen Research Pty Ltd

Internal Address:

Street Address: 140 Wick Road, North Ryde

City: New South Wales State/Country: Australia ZIP: 2113

Additional name(s) & address(es) attached?

☒ No☐ Yes

3. Nature of conveyance:

☒ Assignment☐ Security Agreement☐ Other☐ Merger☐ Change of Name

Execution Date: March 6, 1998

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4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/338,567

B. Patent No.(s)

Additional Application/Patent Numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: PATRICK J. HAGAN

Address: DANN, DORFMAN, HERRELL AND SKILLMAN, P.C.

1601 Market Street, Suite 720

Philadelphia, Pennsylvania 19103-2307

Telephone: (215) 563-4100

Facsimile: (215) 563-4044

6. Total number of applications and patents

Involved: 1

7. Total Fee (37 CFR 3.41) 40.00

☐ Enclosed☒ Authorized to be charged to deposit account

8. In the event the check enclosed is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys.

Deposit Account Number: 04-1406

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

PATRICK J. HAGAN

Name of Attorney or Agent

Reg. No 27,643

Signature of Attorney or Agent

April 13, 1998

Total number of pages comprising cover sheet: 2

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, DC 20231

ASSIGNMENT

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WHEREAS:

Graham Edmund Kelly of 1/47 Coolawin Road, Northbridge, New South Wales, 2063, Australia (formerly of 112 Kameruka Road, Northbridge, New South Wales, 2063, Australia) (hereinafter referred to as "the Assignor") is a named inventor of an invention entitled *Health supplements containing phyto-oestrogens, analogues or metabolites thereof* described and claimed in US Patent Application No. 08/338,567 signed by the Assignor and dated the 5th day of January 1995 (hereinafter referred to as "the said application").

AND WHEREAS:

1. Graham Edmund Kelly assigned the said application to Blackmores Limited of 23 Roseberry Street, Balgowlah, New South Wales, 2093, Australia on 27 August 1993;
2. Blackmores Limited assigned the said application to Phytosearch Pty Ltd of 140 Wicks Road, North Ryde, New South Wales, 2113, Australia, on 11 March 1996; and
3. Phytosearch Pty Ltd assigned the said application to Novogen Research Pty Ltd of 140 Wick Road, North Ryde, New South Wales, 2113, Australia on 19 August 1997.

NOW THIS DEED WITNESSETH that in respect of good and valuable consideration between the respective parties, Novogen Research Pty Ltd has had assigned to it all right, title and interest in and to the said application, and the aforesaid invention, as well as any improvements thereof, and any and all applications for Letters Patent which have been, or hereafter may be, filed on said invention or any said improvements thereof, including any and all divisional, renewal, substitute, continuation and continuation-in-part applications, together with the right to claim priority accruing from said application and all Letters Patent which may be granted on any said application(s) for said invention or any said improvement thereof, and all extension(s) and reissue(s) thereof.

Assignor and Novogen Research Pty Ltd, and each of them, hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all Letters Patent of the United States granted on the said application to Novogen Research Pty Ltd as owner of all right, title and interest therein.

IN WITNESS WHEREOF this agreement has been executed on the day and month indicated below.

Signed for and on behalf of Novogen Pty Ltd
by Ronald Lee Erratt

In the presence of:

Deanne West

Signed by the said Graham Edmund Kelly

In the presence of:

X Deanne West

Ronald Lee Erratt
Ronald Lee Erratt, Company Secretary
Novogen Research Pty Ltd

DATE: 6/3/98

Graham Edmund Kelly
Graham Edmund Kelly

DATE: 6.3.98



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
GRAHAM E. KELLY)
Application No. 08/338,567)
Filed: January 12, 1995)
For: HEALTH SUPPLEMENTS)
CONTAINING PHYTO-OESTROGENS,)
ANALOGUES OR METABOLITES)
THEREOF)

Examiner: J. Wilson
Group Art Unit: 1211

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Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION: Petitions Examiner
Office of Deputy Assistant Commissioner for
Patents

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for U.S. Patent
Application No. 08/338,567 is being facsimile transmitted to
the Patent and Trademark Office fax number 703-308-6916 on the
date shown below.

Tina M. Doyle

Typed name of person signing certificate

Tina M. Doyle
Signature

April 13, 1998
Date

PETITION FOR ENTRY OF LATE ASSIGNMENT PAPERS AND
FOR PATENT TO ISSUE TO ASSIGNEE UNDER 37 C.F.R. §3.81(b)

Applicant petitions for recordal of the assignment
accompanying the attached "ASSIGNMENT COVER SHEET" after the
payment of the issue fee made on August 13, 1997 and the
issuance of the patent to the assignee, Novogen Research Pty
Ltd.

The petition fee of \$130.00 and assignment
recordation fee of \$40.00 is hereby authorized to be charged
to the deposit account of the undersigned attorneys, Deposit
Account No. 04-1406. In the event these amounts are
incorrect, the Commissioner is authorized to charge any

underpayment or credit any overpayment to Deposit Account No.
04-1406.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By

Patrick J. Hagan

PATRICK J. HAGAN
PTO Registration No. 27,643

Telephone: (215) 563-4100.



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Facsimile (215) 563-4044

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FAX COVER SHEET

TELECOMMUNICATIONS - ON CANON FAX-A501

DELIVER TO: Petitions Examiner

DATE: April 13, 1998

FROM: Patrick J. Hagan, Esq.

OUR REF:

OPERATOR: Tina Doyle

YOUR REF:

Total Pages (including this cover) 5

Re: U.S. Patent Application No. 08/338,567
"HEALTH SUPPLEMENTS CONTAINING PHYTO-OESTROGENS,
ANALOGUES OR METABOLITES THEREOF"
by Graham Edmund Kelly

Documents being facsimile transmitted:

1. Petition for Entry for Late Assignment Papers and for Patent to Issue to Assignee Under 37 C.F.R. §3.81(b) with Certificate of Facsimile Transmission;
2. Form PTO-1595 (Recordation Form Cover Sheet); and
3. One Assignment.

IF THE ACCOMPANYING/ABOVE MESSAGE IS NOT RECEIVED PROPERLY, PLEASE CALL (215) 563-4100
AND LEAVE A MESSAGE FOR THE OPERATOR INDICATED ABOVE.

*** ACTIVITY REPORT ***

TRANSMISSION OK

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Paper No. 19

000155

Dann Dorfman Herrell & Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103-2307

COPY MAILED

AUG 17 1998

**SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS**

ON PETITION

In re Application of
Graham Edmund Kelly
Application No. 08/338,567
Filed: January 12, 1995
Attorney Docket No. 2714

This is a decision on the petition under 37 CFR 3.81, filed April 13, 1998, for issuance of patent to assignee on a late assignment.

The petition is granted.

The assignment has been forwarded to the Assignment Branch to be processed.

The application is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6908.

JoAnne Burke
Legal Instruments Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Karen Cressy
Frances Hicks
Petitions Examiner *for*